



Council of the Cherokee Nation

Meeting Minutes Rules Committee

Thursday, November 20, 2008

1:00 PM

Legislative Conference Room

CALL TO ORDER

Chair Frailey called the meeting to order at 1:15 p.m.

INVOCATION

Councilor Soap gave the invocation.

ROLL CALL

Present 11 - David Thornton Sr. ; Don Garvin; Meredith Frailey; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Harley Buzzard; Chris Soap; Bradley Cobb; Chuck Hoskin, Jr. and Julia Coates

Late Arrival 6 - Bill John Baker; S. Joe Crittenden; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright and Curtis Snell

APPROVAL OF MINUTES

Councilor Jack Baker made a motion to approve the October 13th sub committee, October 23rd special session, and the October 30th regular session minutes. Councilor Cowan Watts seconded the motion. Motion carried.

Councilor Jack Baker made a motion to amend the agenda to move old business item 2 and new business item 1 to prior to the reports. Councilor Garvin seconded the motion. Motion carried.

A RESOLUTION CONFIRMING THE NOMINATION OF KIMBERLIE GILLILAND AS A BOARD MEMBER OF THE CHEROKEE NATION EDUCATION CORPORATION BOARD OF DIRECTORS

Ms. Margaret Raymond the Development Director for the Cherokee Nation Education Corporation. She stated they have three people they are requesting approval for a second term and one new nominee as Kim Gilliland.

Councilor Cowan Watts moved for the approval. Councilor Glory-Jordan seconded the motion. Motion carried.

Councilor Glory-Jordan moved to amend the agenda to also consider items 3, 4, and 5 of old business now as well. Councilor Bill John Baker seconded the motion. Motion carried.

Councilor Bill John Baker moved to amend the agenda to also move new business items 2 and 3 to this time as well. Councilor Thornton seconded the motion. Motion carried.

A RESOLUTION CONFIRMING THE RENOMINATION OF BENNY SMITH AS A BOARD MEMBER OF THE CHEROKEE NATION EDUCATION CORPORATION BOARD OF DIRECTORS

Councilor Thornton made a motion to approve. Councilor Bill John Baker moved for approval. Motion carried.

A RESOLUTION CONFIRMING THE RENOMINATION OF SHELLEY BUTLER-ALLEN AS A BOARD MEMBER OF THE CHEROKEE NATION EDUCATION CORPORATION BOARD OF DIRECTORS

Councilor Coates moved for the approval. Councilor Cowan Watts seconded the motion. Motion carried.

A RESOLUTION CONFIRMING THE RENOMINATION OF MARILYN WATT AS A BOARD MEMBER OF THE CHEROKEE NATION EDUCATION CORPORATION BOARD OF DIRECTORS

Councilor Jack Baker moved for the approval. Councilor Crittenden seconded the motion. Motion carried.

A RESOLUTION CONFIRMING THE RENOMINATION OF KYLE HASKINS AS JUSTICE OF THE CHEROKEE NATION SUPREME COURT

Councilor Glory-Jordan inquired if an opinion had been given in regard to Mr. Haskins ability to serve as a State Judge and a Tribal Judge. Mr. Todd Hembree stated there is no prohibition on the Cherokee side of serving and if there is issue it would be with the State. Ms. Melanie Knight stated she is unsure if the Attorney General's office has reviewed the issue but that Judge Haskins has been in discussion with the stated to clear up any issue before accepting any position with the tribe. She stated he is available by phone if anyone wishes to ask questions.

Councilor Anglen moved for the approval. Councilor Cowan Watts seconded the motion. Motion carried.

A RESOLUTION CONFIRMING THE NOMINATION OF THE FIFTH ELECTION COMMISSION MEMBER

Sponsors: Councilor Meredith Frailey

Ms. Brenda Walker announced she is a retired school teacher and is looking for something to do with her time. She is a Cherokee citizen who has always participated in Cherokee elections.

Councilor Glory-Jordan moved for the approval. Councilor Bill John Baker seconded the motion. Motion carried.

CHEROKEE NATION EDUCATION CORPORATION OVERVIEW

Ms. Margaret Raymond provided a handout pertaining to the Cherokee Nation Education Corporation. She stated this organization was chartered by the Cherokee Nation in 1998 and was rather dormant for the first few years. She stated they now have an active board. One of the things they do is offer scholarships in which a majority of the funds come from private donors. They have small amounts of in kind funds from the Cherokee Nation which pays 25% of her salary and 20% of Dr. Butler Allen's salary. She stated they are developing a nice endowment from fellow citizens but most of their funds are restricted. She stated they hope to offer their first community grants in community, language and culture in July.

Councilor Glory-Jordan made a motion for the Cherokee Nation Education Corporation provide a report to this committee on a quarterly basis beginning in January. Ms. Raymond stated she would be happy to report. Councilor Crittenden seconded the motion. Motion carried.

REPORTS:

1. Marshal Service - Sharon Wright

Ms. Wright offered to answer questions pertaining to her report.

2. Justice Department - Diane Hammons

Ms. Sara Hill. Assistant Attorney General, reported they had 3 attorneys attend the prosecutors boot camp last month. She announced they have taken on a new case assisting a church in Adair County that speaks mostly Cherokee regarding a property dispute. Tyson has stated in the poultry lawsuit that since Oklahoma is not the sole owner of the watershed that the Cherokee Nation is a party to the case. There are plans to speak with Drew Edmondson in December to determine what the options are for the Cherokee Nation as part of the case.

3. Election Commission -

Ms. Patsy Morton announced they have not elected officers at this time for the Commission. She announced 28 eligible people applied for the position of the 5th commissioner. She announced they took 2 days to complete interviews from which they went through a selection process to select Ms. Walker. Ms. Morton introduced the other commissioners present as Curtis Rohr, and Roger Johnson. She stated Martha Calico had already left. Mr. Johnson announced they found out this morning they are being sued. Mr. Rohr inquired as to when the new election law would be available. Mr. Hembree stated sub committee meetings pertaining to the election law amendments are held monthly and invited them to attend to submit their invaluable input.

4. Tax Commission - Sharon Swepston

Ms. Swepston offered to answer questions from her report. Councilor Bill John Baker inquired when the the new compact would be implemented. She stated she has been working toward implementation. She has been in contact with OTC to ensure the stamps are ready. Letters have already gone out to the smokeshops explaining the information needed to give out the rebates in a timely fashion.

5. Self-Governance - Vickie Harvey

Ms. Harvey offered to answer questions from the written report provided.

6. Gaming Commission - Jamie Hummingbird

No one present to report.

7. Codification - Todd Hembree

Mr. Hembree announced they continue to make great progress with the process. He stated they are through Title 19. The remaining title to take a good amount of time will be the corporation title. Councilor Cowan Watts inquired as to the target deadline and when is the public launch for Legistar. Mr. Hembree stated they plan to be finished with codification by the end of January and Legistar is a separate issue. He stated the codification process is getting a product ready to send to a publisher after approved by the Council. He stated Legistar is continued to be worked on and Shelli is doing a great job. He suggested coinciding the launch of Legistar with codification.

Chair Frailey agreed this is the goal.

8. GEG Investigation Report - Diane Hammons

Ms. Hill had no new information to report. Ms. Wright stated the case is still ongoing in the federal court system and they are still participating.

OLD BUSINESS

1. MORTGAGE FORECLOSURES (Discussion Only)

Councilor Glory-Jordan replied she would hold her questions for Mr. Morton next month. Councilor Buzzard inquired when the foreclosure would happen. Ms. Shay Smith stated the work group has not yet determined a date to move forward with the foreclosure set aside in the IHP process. Councilor Glory-Jordan requested the Sheriff sale date be included on the information provided at the next meeting.

Chair Frailey requested this item on the agenda next month.

2. A RESOLUTION CONFIRMING THE NOMINATION OF KIMBERLIE GILLILAND AS A BOARD MEMBER OF THE CHEROKEE NATION EDUCATION CORPORATION BOARD OF DIRECTORS

This item was addressed prior to reports.

3. A RESOLUTION CONFIRMING THE RENOMINATION OF BENNY SMITH AS A BOARD MEMBER OF THE CHEROKEE NATION EDUCATION CORPORATION BOARD OF DIRECTORS

This item was addressed prior to reports.

4. A RESOLUTION CONFIRMING THE RENOMINATION OF SHELLEY BUTLER-ALLEN AS A BOARD MEMBER OF THE CHEROKEE NATION EDUCATION CORPORATION BOARD OF DIRECTORS

This item was addressed prior to reports.

5. A RESOLUTION CONFIRMING THE RENOMINATION OF MARILYN WATT AS A BOARD MEMBER OF THE CHEROKEE NATION EDUCATION CORPORATION BOARD OF DIRECTORS

This item was addressed prior to reports.

6. CONSTITUTIONAL AMENDMENTS COVERING TERM LIMITS (Discussion Only)

Sponsors: Councilor Cara Cowan Watts, Councilor Buel Anglen and Councilor Janelle Fullbright

Councilor Cowan Watts announced Councilors Fullbright and Anglen wished to be sponsors of this legislation as well. She stated there are actually 3 different questions to be considered. 1) eliminate term limits for the Legislative Branch 2) eliminate term limits for the Deputy Chief and the Principal Chief 3) the ability for At Large constituents to have additional time to register to vote due to the confusion last time. She requested input from other Councilors. Councilor Cobb stated he is absolutely in favor of exploring possibilities of allowing some of these people the opportunity to reregister in the district of their choice. He stated the prior process was extremely quick and the forms to be completed were extremely confusing. Councilor Anglen agreed with Councilor Cobb and stated they continue to have numerous At Large people attend their community meetings on a monthly basis.

Councilor Coates announced she attends these meetings occasionally and there is a strong sense that these people have a strong affiliation with District 8. She also supports a second look at this issue. Councilor Bill John Baker suggested a district by district option where it is only opened back up to the counties or districts that want the option. Councilor Cowan Watts stated she isn't against the suggestion but is unsure of the language. She suggested he work with Mr. Hembree.

Councilor Cowan Watts moved to table to Jnuary for additional discussion and possible discussion.

NEW BUSINESS

1. CHEROKEE NATION EDUCATION CORPORATION OVERVIEW

This item was addressed prior to old business.

2. A RESOLUTION CONFIRMING THE RENOMINATION OF KYLE HASKINS AS JUSTICE OF THE CHEROKEE NATION SUPREME COURT

This item was addressed prior to reports.

3. A RESOLUTION CONFIRMING THE NOMINATION OF THE FIFTH ELECTION COMMISSION MEMBER

Sponsors: Councilor Meredith Frailey

This item was addressed prior to reports.

4. A RESOLUTION ESTABLISHING PROCEDURES FOR PROCUREMENT OF ATTORNEY FEES

Sponsors: Councilor Jodie Fishinghawk

Councilor Fishinghawk stated this is a housekeeping item that arose in the budget hearings.

Councilor Cowan Watts moved for the approval. Councilor Cobb seconded the motion. Motion carried.

ANNOUNCEMENTS

Chair Frailey announced there would not be a Rules Sub Committee meeting in December pertaining to Election Law.

Councilor Garvin requested information regarding the Inauguration. Chair Frailey stated Gayle is working with Paula and the information is not available at this time. Councilor Jack Baker announced he had requested Gayle to discuss this briefly in the Executive and Finance meeting. Ms. Gayle Miller announced she just recieved an agenda from Paula. She stated the airline and hotels are taken care of, they have four tables reserved for the inaugural ball and the brunch tickets will be confirmed tomorrow. Councilor Cowan Watts inquired if they have confirmed tickets to the limited seating for the inauguration. Ms. Miller stated Paula is still working on it and it looks as though they will only receive a limted number. Councilor Cowan Watts inquired what the process would be if there aren't enough seats. Councilor Hoskin suggested using party affiliation. Ms. Miller stated the seating at the four tables includes a seat for a guest of the Council. She stated the brunch tickets are sepatate.

Mr. Hembree announced there has been a lawsuit filed by the Principal Chief on the Election Commission. This declaratory judgment action filed in the supreme court

asks four questions 1) Does the constitution required 15 separate seats 2) is the apportionment process the Council went through constitutional and meet the required 1man 1 vote requirement 3) is the system of staggared terms that the Council determined and the Cheif signed constitutional and 4) on which term are the elected officials on pursuant to the 1999 constitution. He stated the suit is against the Election Commission but felt it necessary for the Council to intervene as a necessary party as it deals with the rights and issues of the Tribal Council. He stated the way the petition was brought forward is basically directed at the Tribal Council. He asked direction from this committee.

Councilor Hoskin Jr. made a motion for Mr. Hembree to proceed in entering the law suit on the behalf of the Council. Councilor Glory-Jordan seconded the motion. Motion carried unanimously.

ADJOURNMENT

Councilor Cowan Watts made a motion to adjourn. Councilor Bill John Baker seconded the motion. Motion carried at 2:10 p.m.

STAFF PRESENT:

Margaret Raymond	Sharon Wright	Melanie Knight
Vickie Hanvey	Sharon Swebston	Sara Hill
Shay Smith	Gregg Simmons	Gayle Miller

VISITORS PRESENT:

Raymond Vann	Charles Dry	Patsy Morton
Kimberlie Gilliland	Todd Hembree	Brenda Walker
Martha Calico	Roger Johnson	Curtis Rohr
Gina Olaya	Wanda Beaver	

APPROVAL / DISTRIBUTION

Minutes submitted by: Shelli Brittain, Legal & Legislative Coordinator

Motion to approve minutes made by: Bill John Baker

Minutes attested and concurred by: Meredith Frasley

Date: 12/16/08